

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 25, 2000
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Linda Steinman
Bob Workman

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 18, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Hudkins moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated April 18, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 39 additions and deductions to the tax assessment rolls per Exhibit "A".

MOTION: Workman moved and Steinman seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**The Arc of Nebraska
Capitol City Christian Church
The Catholic Bishop of Lincoln (3 exemptions)
First Church of the Nazarene
Grace Lutheran Church
People's City Mission
St. John's Church Catholic Bishop
St. Monica's Home
St. Peter's Catholic Church of Lincoln
St. Elizabeth Regional Medical Center**

MOTION: Steinman moved and Hudkins seconded to approve motor vehicle tax exemptions for The Arc of Nebraska, Capitol City Christian Church, Grace Lutheran Church, People's City Mission, St. John's Church Catholic Bishop, St. Monica's Home, St. Peter's Catholic Church of Lincoln and St. Elizabeth Regional Medical Center. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

MOTION: Steinman moved and Heier seconded to approve motor vehicle tax exemptions for the Catholic Bishop of Lincoln, subject to the vehicles being titled and registered by the applicant, and the First Church of the Nazarene, with the exception of the 1989 Dodge school van, which is not due until October, 2000. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

4) **ADJOURNMENT**

At the direction of the Chair, the Board of Equalization meeting was adjourned.

Bruce Medcalf
Lancaster County Clerk

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- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 18, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Workman seconded approval of the minutes of the Board of Commissioners meeting dated April 18, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, April 25, 2000.

MOTION: Workman moved and Heier seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

The Board presented a ship's bell and a plaque to Jack Mills in recognition of his years of service as the Nebraska Association of County Officials (NACO) Executive Director:

- A. **The County-City Volunteer of the Month Award was presented to Dana Swanson for his services at the Mental Health Center.**

B. A proclamation proclaiming the week of May 7 through May 13, 2000 to be Tourism Week in Lancaster County. (M-00-32)

Sandi Witkowicz, Lincoln/Lancaster County Convention and Visitors Bureau, read the proclamation into the record. She said tourism increases the community's economic base by adding jobs, increasing sales in goods and services and contributing to the tax base.

MOTION: Steinman moved and Hudkins seconded to approve the proclamation. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

The Chair requested that New Business Item 6E be moved forward on the agenda.

A resolution authorizing the execution and delivery of an Acceptance and Release with respect to Lancaster County's Brownie Manufacturing Company, Inc. Projects, Series 1994 and 1995. (No documentation.)

Lauren Wismer, Bond Counsel, appeared and explained that Brownie Manufacturing Company, Inc. is being acquired by Valmont Industries, Inc. and this will allow their Industrial Development Revenue Bond obligations to be transferred to Valmont Industries, Inc.

MOTION: Hudkins moved and Workman seconded approval. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. Comprehensive Plan Amendment 94-51, requested by the Director of Planning at the request of Mark Hunzeker on behalf of Garner Industries, to amend the 1994 Lincoln/Lancaster County Comprehensive Plan to change the land use from "Agricultural" to "Industrial" on property generally located at the southwest corner of 98th Street and Cornhusker Highway, Lancaster County, Nebraska.

The Chair opened the public hearing.

The Clerk administered the oath to Mark Hunzeker.

4) **PUBLIC HEARINGS CONTINUED:**

Mark Hunzeker, appearing on behalf of Garner Industries, said this amendment will allow Garner Industries to construct an 80,000 square foot tool and die plant on 30 acres at the intersection of 98th Street and Highway 6. He said the building will be located in the floodplain, but a grading plan is being worked out with the Planning Department, City Public Works/Utilities and the Federal Emergency Management Agency (FEMA).

Hunzeker displayed a map of the area and a drawing of preliminary elevations. He said additional windows are planned for the west and south elevations and the site plan will be similar to that of Novartis Consumer Health Inc., which is located east of the site. Plans include landscaping and a pond in front of the building.

Hunzeker said Planning Staff and the Planning Commission have recommended approval of Comprehensive Plan Amendment 94-51, contingent upon Garner Industries meeting certain conditions in the Final Planned Unit Development (PUD). The City Council has approved the Comprehensive Plan amendment and a change of zone for the property.

Steinman said she is concerned with how 98th Street intersects with Highway 6 and asked whether there are plans for reconfiguration.

Hunzeker said there are no plans for the immediate future, adding the location of railroad tracks to the north and the intersection of Arbor Road will also need to be considered.

Hudkins asked whether Garner Industries would agree to 70' of setback, noting Allan Abbott, City Public Works/Utilities Director, had recommended up to 140' of right-of-way for future corridors in a recent meeting with the County Board.

Hunzeker said Garner Industries has already agreed to dedicate 50' of right-of-way from the center line on 98th Street and a 60' building setback. He said requiring 140' of right-of-way is not the current standard and if additional right-of-way is required to realign 98th Street, it would need to be acquired from the property to the east in order to connect with Highway 6 at a right angle.

There was no other testimony.

4) **PUBLIC HEARINGS CONTINUED:**

The Chair closed the public hearing.

MOTION: Hudkins moved and Steinman seconded approval of Comprehensive Plan Amendment 94-51. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

B. Continuation of a public hearing regarding an application for a Class E (Beer Off Sale Only) and a Class M (Bottle Club) liquor license for Merle's Food & Drink located at 8250 West "O" Street, Lincoln, Lancaster County, Nebraska.

The Chair opened the public hearing.

There was no testimony on the matter.

The Chair closed the public hearing.

MOTION: Steinman moved and Workman seconded approval. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

C. Continuation of a public hearing regarding an application for a Class M (Bottle Club) liquor license for D T R, Inc. located at 640 West Prospector Court, Lincoln, Lancaster County, Nebraska.

The Chair opened the public hearing.

The Clerk entered 87 letters (21 in support of the application and 66 in opposition to the application) which were received by the County Clerk's Office and County Board of Commissioners' Office into the record (Exhibit A).

Campbell said the Board was made aware in several of these letters that the name of the proposed topless bar is Cheetahs. She also noted that Cindy Williams, who provided testimony in the public hearing, had brought several Supreme Court cases to the Board's attention.

The Clerk administered the oath to Craig D. Wittstruck.

4) **PUBLIC HEARINGS CONTINUED:**

Craig D. Wittstruck, attorney representing the applicant, said the application is for a new Class C (Spirits, Wine Beer On and Off Sale) on a previously licensed premise, not a Class M (Bottle Club) liquor license. He said someone erroneously marked the box indicating Class M on the application, even though the box for Class C had been marked. Wittstruck said a letter was mailed to the County Commissioners' Office on Friday indicating the error.

The Clerk indicated that the letter has not been received.

Campbell asked Wittstruck to fax a copy of the letter to the County Clerk's Office (See Exhibit B).

There was no other testimony.

The Chair closed the public hearing.

MOTION: Workman moved and Heier seconded to recommend denial of a Class C (Spirits, Wine Beer On and Off Sale) liquor license for D T R, Inc. at a location of 640 West Prospector Court, Lincoln, Nebraska to the Nebraska Liquor Control Commission.

Steinman said she represents the West A and Yankee Hill neighborhoods and will not approve an establishment that would stymie development or stigmatize that area.

Hudkins concurred and said he is also concerned with parking issues.

Workman stated that he had reviewed County Resolution 5351, which established guidelines for determining qualified applicants in accordance with Nebraska Revised Statutes Section 53-134(2) and believes the following is particularly applicable to this application:

- < The existence of a citizens' protest and any other evidence in support of, or in opposition to, the application.
- < Whether the type of business or activity proposed to be operated in conjunction with the proposed license is, and will be, consistent with the public interest.
- < The nature of the neighborhood or community where the proposed premises are located, as well as its projected growth.
- < The type of entertainment, if any, to be offered.
- < Proximity of, and impact on, schools, hospitals, libraries and public institutions.

4) **PUBLIC HEARINGS CONTINUED:**

Workman said citizens' testimony, a petition signed by 400 residents, and numerous letters in opposition to the application make it clear that this type of establishment is not consistent with the character of the neighborhood or in the public's best interest. He added that studies submitted by a citizen during testimony indicate that areas in which adult entertainment establishments are located tend to have higher crime rates and lower property values.

Heier concurred and said he does not believe that this type of establishment is of any benefit to the neighborhood.

Campbell said one of the letters received questioned whether the County Board has deliberative action with regards to liquor licenses. She said the County Board is charged with the responsibility of holding public hearings on liquor license applications and making recommendations to the Nebraska Liquor Control Commission and takes this responsibility seriously. Campbell said although there has been an liquor establishment at this location, it held a different type of license and offered a different type of entertainment. She concurred that this establishment is not in the public's best interest.

Campbell requested the County Attorney's Office to draft a resolution that includes the County Board's findings to send to the Nebraska Liquor Control Commission.

The maker and seconder of the motion agreed to include that direction in the motion.

Dave Johnson, Deputy County Attorney, appeared and requested that the County Clerk be directed to send a copy of the resolution to the applicant and his attorney of record. He also noted that there is already an establishment at this location that holds an off-sale liquor license.

ON CALL: Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

5) **OLD BUSINESS:**

- A. A loan application through the Rural Enterprise Assistance Project, in the amount of \$1,072.56, from Jody Brott doing business as J. B. Farms Unlimited. Term of the loan will be 12 months, with monthly payments of \$89.38. (M-00-29)**

Troy Gagner, Economic Development Coordinator, appeared and said the collateral issue has been resolved. He explained that if the borrower were to default on the loan, repayment would be made through funds set aside by the Rural Enterprise Assistance Program (REAP) group before any County funds would be used. The REAP group would be unable to make additional loans until this fund is restored.

In response to a question from Heier, Gagner said the interest rate for the loan is prime plus 2.5 percent.

Hudkins said he has reservations about the loan and hopes that the applicant will rely on business advice from the REAP group.

Workman said he has reservations with regards to the business plan and believes the applicant should try to proceed with the venture without a loan.

MOTION: Steinman moved and Heier seconded approval. Campbell, Steinman, Heier and Hudkins voted aye. Workman voted nay. Motion carried.

- B. A Community Development Block Grant loan request from Linweld, Inc. in the amount of \$630,000. (No documentation.)**

Troy Gagner, Economic Development Coordinator, appeared and said the financing agreements are signed and have been submitted to the County Attorney's office. He indicated that no further action is required from the Board.

- C. A request for deletion to licensed premises from DLH Inc. dba/Coaches Sports Bar & Grill in connection with a Class M (Bottle Club) liquor license.**

Campbell said the applicant has requested that approval be conditional upon approval of the Class C (Spirits, Wine Beer On and Off Sale) liquor license for D T R, Inc. at the same location. She said the letter from Peter W. Katt, attorney representing the applicant, needs to accompany a record of the Board's action that will be sent to the Nebraska Liquor Control Commission.

5) **OLD BUSINESS CONTINUED:**

MOTION: Steinman moved and Workman seconded to deny the request for a deletion of licensed premises from DLH Inc. dba/Coaches Sports Bar & Grill in connection with a Class M (Bottle Club) liquor license at 640 West Prospector Court, Lincoln, Nebraska.

Campbell indicated that the existing liquor license for this establishment remains in effect.

ON CALL: Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

6) **NEW BUSINESS:**

A. A contract with MSE Environmental, Inc. for hazardous waste collection services for County and City departments and agencies and limited small business hazardous waste services as outlined in the original specification and contract documents. (C-00-183)

MOTION: Heier moved and Steinman seconded approval.

Dave Johnson, Deputy County Attorney, appeared and requested that approval be contingent upon receipt of a certificate of insurance, with the addition of Lancaster County as an insured party.

The maker and seconder of the motion agreed to include that stipulation in the motion.

ON CALL: Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

B. Keno grant contracts for the following agencies, beginning March 1, 2000 and ending February 28, 2001:

The Hispanic Community Center, in the amount of \$3,000, to implement the "America Reads Program". (C-00-168)

The Friendship Home, in the amount of \$3,730, to assist in maintaining its Parent Support and Education Project. (C-00-169)

Madonna Rehabilitation Hospital, in the amount of \$7,000, to assist through public education by the Bike Safety Task Force, in increasing the number of middle school students who wear helmets. (C-00-170)

6) **NEW BUSINESS CONTINUED:**

Asian Community & Cultural Center, in the amount of \$3,750, to assist in maintaining the Connecting Neighborhood Partnerships liaison program wherein non-English speaking student receive tutoring and family/school case management. (C-00-171)

Bright Lights, Inc., in the amount of \$1,250, to assist in providing scholarship assistance to low income student participants. (C-00-172)

YMCA of Lincoln, in the amount of \$3,750, to assist in maintaining its Laureate Sports Program. (C-00-173)

Family Service Association, in the amount of \$2,375, to assist in maintaining its Strengthening Children and Families program, a child abuse/family violence prevention program for families enrolled in West Lincoln Elementary School. (C-00-174)

Fresh Start, Inc., in the amount of \$7,500, to assist in working with female offenders to help prevent homelessness when they are released from state and local correctional facilities through its Women Offender's Resource Center. (C-00184)

MOTION: Heier moved and Steinman seconded approval. Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

C. A contract with Child Guidance Center for expediter services providing mental evaluations for juveniles as requested by the Office of Juvenile Services or Lancaster County Juvenile Court, in the amount of \$1,400.

Dave Johnson, Deputy County Attorney, appeared and said compensation will be in the amount of \$1,500, rather than \$1,400. He also stated that Attachment B to the contract has been amended to require the contractor to submit a written mental evaluation to the Expediter and Juvenile Court within 7 working days.

MOTION: Steinman moved and Heier seconded approval of the contract with those changes. Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- D. A resolution authorizing the execution and delivery of an Acceptance and Release with respect to Lancaster County's Sun Husker Foods, Inc. Project, Series 1989. (No documentation.)**

This item was deferred one week.

- E. A resolution authorizing the execution and delivery of an Acceptance and Release with respect to Lancaster County's Brownie Manufacturing Company, Inc. Projects, Series 1994 and 1995. (No documentation.)**

This item was moved forward on the agenda.

- F. A resolution authorizing the installation of the following traffic signs in Lancaster County, Nebraska: (R-00-43)**

- < Installation of chevron alignment signs on South 148th Street where it curves to Apple Street in Bennet, approximately 3/4 of a mile south of Saltillo Road.**
- < Installation of large arrow signs at the intersection of West Parker road and Southwest 128th Street, one for southbound traffic turning right and one for eastbound traffic turning left.**

MOTION: Hudkins moved and Workman seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- G. Authorization of National Bank of Commerce, as Trustee, to disburse \$5,102.07 from the juvenile detention center bond proceeds to Sinclair Hille & Associates for architectural services and \$288.75 to the Building and Safety Department for curb cut and sidewalk permits all related to the new detention facility. (M-00-30)**

MOTION: Steinman moved and Hudkins seconded approval. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

H. Approval and appointment of the following individuals to the Child Care Advisory Committee:

Curt Crandall representing the business community

Jeanne Ernst representing the medical community /consumer

Paula Eurek representing the Nebraska Department of Health & Human Services

Tracy Gordon representing the education community/child care provider

Marcie Hagerty representing the community at large

Sue Hinrichs representing the education community/consumer

Dan Navratil representing the education community

Lori Palensky representing the education community/medical community

Hollis Alexander-Ramsey representing the medical community /consumer

Bill Ross representing the Nebraska Department of Health & Human Services

Jennifer Dam-Sheuchuk representing the consumer

Laurie Sutter representing the consumer/education community

Deanna turner representing child care provider (pre-school)

Judy Zabel representing the medical community/consumer

MOTION: Heier moved and Workman seconded approval. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

I. A political subdivision tort claim filed against Lancaster Manor by Michael Earl Brown for damaged property, in the amount of \$942.13.

MOTION: Workman moved and Steinman seconded to deny the political subdivision tort claim filed by Michael Earl Brown. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

J. A political subdivision tort claim filed against the Corrections Department by Shawn Brown for lost property, in the amount of \$85.

MOTION: Steinman moved and Heier seconded to accept the recommendation of the Corrections Director and deny the political subdivision tort claim filed by Shawn Brown. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

K. A political subdivision tort claim filed against the Corrections Department by Ronald W. Knaff for lost property, in the amount of \$120.

MOTION: Heier moved and Hudkins seconded to follow the recommendation of the Corrections Director and deny the political subdivision tort claim filed by Ronald W. Knaff. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

L. Request from James Lundak to voluntarily participate in the Lancaster County Retirement Plan. (M-00-31)

MOTION: Workman moved and Steinman seconded approval. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

- 1. County Attorney's Quarterly Report for January 1, 2000 through March 31, 2000.**
- 2. Register of Deeds Monthly Report for March, 2000.**
- 3. Sheriff's Report of Fees for March, 2000.**

B. Setting of a public hearing for Tuesday, May 2, 2000 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a request from the Nebraska State Board of Agriculture for an addition to licensed premises, consisting of the 4-H Building which is approximately 122 feet by 347 feet in size and is located at 1800 State Fair Park, Lincoln, Lancaster County, Nebraska.

7) **CONSENT ITEMS CONTINUED:**

C. Setting of the following public hearings for Tuesday, May 9, 2000 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building:

- 1. County Special Permit 178, Little Nemaha Lake Estates Community Unit Plan, requested by Brian D. Carstens & Associates on behalf of De L. Halbert, consisting of nine dwelling units, on property generally located at South 148th Street and East Shiloh Road in Lancaster County, Nebraska.**
- 2. County Preliminary Plat 00003, Little Nemaha Lake Estates, requested by Brian D. Carstens Associates on behalf of De L. Halbert, consisting of nine residential lots, one outlot for a lake and one outlot for a private road, on property generally located at South 148th Street and East Shiloh Road in Lancaster County, Nebraska.**

D. Rights-of-way contracts between the County Engineer and the following individuals:

- < Richard H. and Geraldine M. Benes, in the total amount of \$395.89, for bridge construction on West Rock Creek Road; Project 00-33. (C-00-181 & C-00-182)**
- < Michel C Clark, Jr. and Penny L. Clark, in the total amount of \$369.25, for bridge construction on West Rock Creek Road; Project 00-33. (C-00-177 & C-00-178)**
- < Kevin E. and Lynnee S. Thiemann, in the total amount of \$342.65, for bridge construction on West Rock Creek Road; Project 00-33. (C-00175 & C-00-176)**
- < Dewey D. and Carol A. Cook, in the amount of \$79.30, for road improvement on West Fletcher, Northwest 128th to Northwest 112th; Project SRR-55(126). (C-00-180)**
- < David and Jeannie Seeley, in the amount of \$26.60, for road improvement on West Fletcher, Northwest 128th to Northwest 112th; Project SRR-55(126). (C-00-179)**

MOTION: Steinman moved and Heier seconded approval of the Consent Items. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

8) **EMERGENCY ITEMS AND OTHER BUSINESS:**

John Sexton, West "A" Street resident, appeared and thanked members of the County Board for their conscientious service to Lancaster County.

9) **ADJOURNMENT**

MOTION: Steinman moved and Heier seconded adjournment of the Board of Commissioners meeting. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk